

Chapter 4

ANIMALS AND FOWL

Article I. In General

- § 4-1. Boundary lines declared to be lawful fences.
- § 4-2. Running at large on highways.
- § 4-3. Reserved.
- § 4-4. Disposal of dead animals and fowl.
- § 4-5. Leaving disabled or dead animal in road or allowing dead animal to remain unburied.
- § 4-6. Cruelty to animals.

Article II. Dogs

Division 1. Generally

- § 4-7. Definitions.
- § 4-8. Animal control officer--Appointment; duties generally.
- § 4-9. Same--Duty upon finding stolen, etc., dogs.
- § 4-10. Dogs deemed personal property.
- § 4-11. Dangerous or vicious dogs.
- § 4-12. Dogs killing or injuring livestock or poultry.
- § 4-12.1. Reserved.
- § 4-13. Capture of unlicensed dogs.
- § 4-14. Disposal of dead dogs.
- § 4-15. Unauthorized removal of collars or tags.
- § 4-16. Harboring or concealing untaxed or rabid dogs.
- § 4-16.1. Destructive dogs.
- § 4-16.2. Reserved.
- § 4-17. Diseased dogs.
- § 4-17.1. Female dogs in season.
- § 4-17.2. Barking dogs.

Division 2. Running at Large

- § 4-18. Prohibited.
- § 4-18.1. Dogs to be delivered to S.P.C.A.
- §§ 4-19, 4-20. Reserved.
- § 4-21. Enforcement--By animal control officer.
- § 4-22. Same--Procedure upon receipt of complaint.
- § 4-23. Reserved.

Division 3. Licenses

- § 4-24. Required.
- § 4-25. Procedure for obtaining licenses.
- § 4-26. Evidence of rabies vaccination prerequisite to issuance of license.
- § 4-27. License tax--Amount.
- § 4-28. Same--When payable.
- § 4-29. Same--Payment subsequent to summons.
- § 4-30. Term.
- § 4-31. To consist of receipt and tag.
- § 4-32. Display of receipt.
- § 4-33. Contents of license tag.
- § 4-34. Effect of dog not wearing collar and tag as evidence.
- § 4-35. Duplicate tag.
- § 4-36. Tag for a kennel.
- § 4-37. False statements.
- § 4-38. Penalty for failure to obtain license.

Article III. Rabies Control

§ 4-39. Vaccination of dogs required.

§ 4-40. Confinement of animals suspected of having rabies or of being in close proximity to animals having rabies.

§ 4-41. Confinement of animals which have bitten persons.

§ 4-42. Applicability of article.

ARTICLE I.

IN GENERAL

Sec. 4-1. Boundary lines declared to be lawful fences.

The boundary lines of each lot or tract of land or any stream in the country are hereby declared to constitute a lawful fence for the purposes of Chapter 18. Title 55 of the Code of Virginia, 1950, as amended. (10-17-12; 2-14-16; 5-15-39; amended for recodification, 1987)

Sec. 4-2. Running at large on highways.

It shall be unlawful for any person to permit any animal or fowl owned by him or under his control to run at large upon any road or highway or the right-of-way thereof within the county.

Sec. 4-3. Reserved.

Sec. 4-4. Disposal of dead animals and fowl.

The owner of any dead animal or fowl shall forthwith dispose of, or cause to be disposed such animal or fowl by delivery to a rendering plant, by cremation, by burial, by composting, or by an alternative disposal method approved by the board provided that, all necessary approvals have been obtained by the owner from the state veterinarian as may be required by law. If the owner fails to do so, any magistrate, after notice to the owner, shall cause any such dead animal or fowl to be disposed of by an officer or other person designated for the purpose, who shall be entitled to recover from the owner of each such animal so disposed of a fee of five dollars (\$5.00), and from the owner of each such fowl so disposed of a fee of two dollars and fifty cents (\$2.50), to be recovered in the same manner as officers' fees are recovered, free from all exemptions in favor of such owner. Any person violating the provisions of this section shall be subject to a fine not exceeding one thousand dollars (\$1,000.00) for each offense.

(P.C. Ord. No. 3-90, 4-11-90; P.C. Ord. No. 11-91, 7-24-91)

Sec. 4-5. Leaving disabled or dead animal in road or allowing dead animal to remain unburied.

If any person casts any dead animal into a road or if any owner or occupant knowingly permits any dead animal to remain unburied upon his property when offensive to the public, or having in custody any maimed, diseased, disabled or infirm animal, leaves it to lie or be in a street, road or public place, he shall be fined not exceeding five hundred dollars (\$500.00).

Sec. 4-6. Cruelty to animals.

Any person who (1) overrides, overdrives, overloads, tortures, ill-treats, abandons, willfully inflicts

inhumane injury or pain not connected with bona fide scientific or medical experimentation to, or cruelly or unnecessarily beats, maims, mutilates, or kills any animal, whether belonging to himself or another, or deprives any animal of necessary sustenance, food, or drink, or causes any of the above things, or being the owner of such animal permits such acts to be done by another; or (2) wilfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal; or (3) shall carry or cause to be carried in or upon any vehicle or otherwise any animal in a cruel, brutal, or inhumane manner, so as to produce torture or unnecessary suffering, shall, upon conviction, be punished as provided in section 1-6 but nothing in this section shall be construed to prohibited the dehorning of cattle.

ARTICLE II.

DOGS

DIVISION 1.

GENERALLY

Sec. 4-7. Definitions.

For the purposes of this article, and unless otherwise required by context, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Animal control officer. Any animal warden appointed under this article and in accordance with the Code of Virginia.

Companion animal. Any domestic or feral dog, domestic or feral cat, non-human primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or any animal under the care, custody or ownership of a person or any animal which is bought, sold, traded or bartered by any person. Agricultural animals, game species, or any animals regulated under federal law as research animals shall not be considered companion animals for the purpose of this article.

Dangerous dog. A canine or canine crossbreed which has bitten, attacked or inflicted injury on a person or companion animal, other than a dog, or killed a companion animal.

Destructive dog. Any dog which damages or destroys personal property, including livestock or poultry, of any other person off the premises of the owner of such dog, whether such dog is or is not licensed, and against which dog a complaint has been filed with the county animal control officer or other law enforcement officer of the county.

Kennel. An enclosure wherein dogs are kept and from which they cannot escape.

Livestock. Cattle, sheep, goats, swine and enclosed domesticated rabbits or hares.

Other officer. Any person employed or elected by the people of the state or by any municipality, county or incorporated town thereof, whose duty it is to preserve the peace, to make arrests or to enforce the law.

Owner. Any person who: (1) Has a right of property in an animal, (2) Keeps or harbors an animal, (3) Has an animal in his care, or (4) Acts as a custodian of an animal.

Poultry. All domestic fowl and game birds raised in captivity.

Running at large. A dog shall be deemed to be running at large while roaming, running or self-hunting off the property of its owner or custodian, and not under its owner's or custodian's immediate control.

S.P.C.A. The Rockingham-Harrisonburg Society for the Prevention of Cruelty to Animals.

Vicious dog. A canine or canine crossbreed which has (1) killed a person; (2) inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of a bodily function; or (3) continued to exhibit the behavior which resulted in a previous finding by a court that is a dangerous dog, provided that its owner has been given notice of that finding.
(2-1-54; 12-30-69; amended for recodification, 1987; P.C. Ord. No. 96-9, 3-13-96)

Sec. 4-8. Animal control officer--Appointment; duties generally.

(a) There are hereby created the positions of animal control officers for the county.

(b) The duties and authorities of an animal control officer shall be those provided for by the Code of Virginia and other such duties as may be provided for by the board of supervisors.

Sec. 4-9. Same--Duty upon finding stolen, etc., dogs.

An animal control officer or other officer finding a stolen dog or dog held or detained contrary to law shall have authority to seize and hold such dog pending action before the general district court or other court. If no such action is instituted within seven (7) days, the animal control officer or other officer shall deliver the dog to its owner. The presence of a dog on the premises of a person other than its legal owner shall raise no presumption of theft against the owner of such premises, but it shall be his duty to notify the animal control officer, and the animal control officer shall take such dog in charge, and place such dog in the custody of the S.P.C.A. which will notify its legal owner to remove such dog. The legal owner of the dog shall pay a reasonable charge to the S.P.C.A. for the keeping of such dog while in its possession.
(Amended for recodification, 1987)

Sec. 4-10. Dogs deemed personal property.

All dogs shall be deemed personal property, and may be the subject of larceny and malicious or unlawful trespass, and the owners thereof may maintain any action for the killing of any such dogs, or injury thereto, or unlawful detention or use thereof, as in the case of other personal property.

Sec. 4-11. Dangerous or vicious dogs.

(a) Any animal control officer who has reason to believe that a canine or canine crossbreed is a dangerous dog or vicious dog shall apply to a magistrate for the issuance of a summons requiring the owner or custodian, if known, to appear before the general district court at a specified time. The summons shall advise

the owner of the nature of the proceeding and the matters at issue. The animal control officer or owner shall confine the animal until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian or harbinger of the animal to produce the animal. If, after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the animal's owner to comply with the provisions of this article. If after hearing the evidence, the court finds that the animal is a vicious dog, the court shall order the animal euthanized in accordance with the provisions of Virginia Code § 3.1-796.119.

(b) No canine or canine crossbreed shall be found to be a dangerous dog or vicious dog solely because it is a particular breed, nor shall the ownership of a particular breed of canine or canine crossbreed be prohibited. No animal shall be found to be a dangerous dog or vicious dog if the threat, injury or damage was sustained by a person who was (1) committing, at the time, a crime upon the premises occupied by the animal's owner or custodian, (2) committing, at the time, a willful trespass or other tort upon the premises occupied by the animal's owner or custodian or (3) provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times. No police dog which was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a dangerous dog or a vicious dog. No animal which, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, or its owner or owner's property shall be found to be a dangerous dog or a vicious dog.

(c) The owner of any animal found by a court to be a dangerous dog shall, within ten (10) days of such finding, obtain a dangerous dog registration certificate from the animal control officer for a fee of fifty dollars (\$50.00) in addition to other fees that may be authorized by law. The animal control officer shall also provide the owner with a uniformly designed tag which identifies the animal as a dangerous dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. All certificates obtained pursuant to this section shall be renewed annually for the same fee and in the same manner as the initial certificate was obtained.

(d) All certificates or renewals thereof required to be obtained under this section shall only be issued to persons eighteen years of age or older who present satisfactory evidence (1) of the animal's current rabies vaccination, if applicable, and (2) that the animal is and will be confined in a proper enclosure or is and will be confined inside the owner's residence or is and will be muzzled and confined in the owner's fenced-in yard until the proper enclosure is constructed. In addition, owners who apply for certificates or renewals thereof under this section shall not be issued a certificate or renewal thereof unless they present satisfactory evidence that (1) their residence is and will continue to be posted with clearly visible signs warning both minors and adults of the presence of a dangerous dog on the property, and (2) the animal has been permanently identified by means of a tattoo on the inside thigh or by electronic implantation.

(e) While on the property of its owner, an animal found by a court to be a dangerous dog shall be confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults, or other animals. The structure shall be designed to provide the animal with shelter from the elements of nature. When off its owner's property, an animal found by a court to be a dangerous dog shall be kept on a leash and muzzled in such a manner as not to cause injury to the animal or interfere with the animal's vision or respiration, but so as to prevent it from biting a person or another animal.

(f) If the owner of an animal found by a court to be a dangerous dog is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this section.

(g) After an animal has been found by a court to be a dangerous dog, the animal's owner shall immediately, upon learning of same, notify the local animal control authority if the animal (1) is loose or unconfined; (2) bites a person or attacks another animal; (3) is sold, given away, or dies; or (4) has been moved to a different address.

(h) The owner of any animal which has been found by a court to be a dangerous dog who willfully fails to comply with the requirements of this article shall be guilty of a Class 1 misdemeanor.

(i) All fees collected pursuant to this article, less the cost incurred by the animal control authority in producing and distributing the certificates and tags required by this article, shall be paid into a special dedicated fund in the treasury of the locality for the purpose of paying the expenses of any training course required under Virginia Code, § 3.1-796.105.

(P.C. Ord. No. 96-9, 3-13-96)

Sec. 4-12. Dogs killing or injuring livestock or poultry.

It shall be the duty of any animal control officer who may find a dog in the act of killing, injuring, or chasing sheep or other livestock or poultry confined in pasture, feedlot, feedlot barn, stable or poultry house to kill such dog forthwith, whether such dog bears a tag or not, and any person finding a dog committing any of the depredation mentioned in this section shall have the right to kill such dog on sight. The general district court or any other court shall have the power to order the animal control officer or other officer to kill any dog known to be a confirmed livestock or poultry killer and any dog killing fowl for the third time shall be considered a confirmed poultry killer. Any animal control officer or other person who has reason to believe that any dog is killing livestock or poultry or committing any of the depredation mentioned in this section shall apply to a magistrate of the county, who shall issue a summons or warrant requiring the owner or custodian, if known, to appear before the judge of the district court at the time and place named therein, at which time evidence shall be heard, and if it shall appear that such dog is a livestock or poultry killer or has committed any of the depredations mentioned in this section, the dog shall be ordered killed immediately, which the animal control officer or other officer designated by the judge of the district court to act shall do. Any person killing a dog under the provisions of this section shall immediately notify the animal control officer of such action.

(Amended for recodification, 1987)

Sec. 4-12.1. Reserved.

Editors Note: P.C. Ord. No. 96-9, adopted March 13, 1996, amended the Code by repealing § 4-12.1 in its entirety. Former § 4-12.1 pertained to dogs killing other dogs or domestic animals, and derived from P.C. Ord. No. 82-8, adopted August 23, 1982. Similar provisions can found in § 4-11 hereinabove.

Sec. 4-13. Capture of unlicensed dogs.

It shall be the duty of the animal control officer to capture any dog of unknown ownership found running at large on which the required license tax has not been paid; provided, that the animal control officer may deliver such dog to the custodial organization under county contract in this county, with the understanding that should the legal owner thereafter claim the dog and prove his ownership, or should the dog be adopted, he may recover or a new owner may adopt such dog by paying to the custodial organization to whom it was

delivered by the animal control officer the amount of the license fee paid by him and a reasonable charge for the keep of the dog while in its possession. The custodial organization shall require unlicensed dogs which are claimed or adopted to be licensed.

(Amended for recodification, 1987)

Sec. 4-14. Disposal of dead dogs.

The owner of any dog which has died from disease or other cause shall forthwith cremate, bury or deliver such dog to a rendering plant. If he fails to do so, the judge of the district court, after notice of such owner, shall order such dead dog to be cremated, buried or delivered to a rendering plant by such person as he may designate, and shall require the owner to pay the person so designated, not exceeding two dollars and fifty cents (\$2.50), free from all encumbrances in favor of such owner. If the owner of any dead dog is not known, such person shall be entitled to recover the sum from the county.

(Amended for recodification, 1987)

Sec. 4-15. Unauthorized removal of collars or tags.

It shall be unlawful for any person, except the owner or custodian, to remove a collar or a legally acquired license tag from a dog.

Sec. 4-16. Harboring or concealing untaxed or rabid dogs.

It shall be unlawful for any person to conceal or harbor any dog on which the required license tax has not been paid, or to conceal a rabid dog to keep such dog from being euthanized.

Sec. 4-16.1. Destructive dogs.

It shall be unlawful for the owner of any destructive dog as defined in this chapter to allow such dog to run at large within the county. Any person who permits a destructive dog to run at large or remain unconfined, unrestricted or not penned up shall be deemed to have violated the provisions of this section and shall be liable for a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each violation. (12-30-69; P.C. Ord. No. 96-9, 3-13-96)

Sec. 4-16.2. Reserved.

Editors Note: P.C. Ord. No. 96-9, adopted March 13, 1996, amended the Code by repealing § 4-16.2 in its entirety. Former § 4-16.2 pertained to warning signs for vicious dogs, and derived from an ordinance of December 31, 1969. Similar provision can be found in § 4-11.

Sec. 4-17. Diseased dogs.

It shall be unlawful for the owner of any dog with a contagious or infectious disease to permit such dog to stray from his premises, if such disease is known to the owner.

Sec. 4-17.1. Female dogs in season.

It shall be unlawful for the owner of any female dog in season to fail to keep such female dog confined beyond the reach of any male dog at large.

Sec. 4-17.2. Barking dogs.

(a) Except as otherwise provided in this section, it shall be unlawful for the owner of any dog who resides within an unincorporated town, village, subdivision or other densely populated areas to allow that dog to bark in such a way or with such frequency so as to annoy, disturb, injure or endanger the health, safety or welfare of another. Officers, either animal control officers or deputy sheriffs, investigating complaints shall determine in each instance whether this section has been violated and whether to warn or to issue a citation to the dog owner. Violation of this section shall be punishable as a class four misdemeanor.

(b) Notwithstanding the foregoing, all dog kennels operating under a special use permit issued by the county shall be exempt from the provisions of this section.
(P.C. Ord. No. 99-3, 3-24-99; P.C. Ord. No. 00-6, 3-22-00)

Editors Note: P.C. Ord. No. 99-3, adopted March 24, 1999, amended the Code by adding a new § 4-43. In order to keep related materials together, the editor has redesignated such provisions as a new § 4-17.2.

DIVISION 2.

RUNNING AT LARGE

Sec. 4-18. Prohibited.

It shall be unlawful for the owner of any dog to allow such dog to run at large within the county. (2-1-54; 9-29-75)

Sec. 4-18.1. Dogs to be delivered to S.P.C.A.

The animal control officer may take custody of any dog found to be running at large within the county in violation of the provisions of this division, and deliver such dog to the custodial organization under contract with the county to receive stray dogs.
(Amended for recodification, 1987)

Secs. 4-19, 4-20. Reserved.

Sec. 4-21. Enforcement--By animal control officer.

It shall be the duty of the animal control officer to enforce the provisions of this division. (2-1-54; amended for recodification, 1987)

Sec. 4-22. Same--Procedure upon receipt of complaint.

Upon receipt of a complaint against a dog running at large contrary to the provisions of this division, the animal control officer of the county shall proceed to investigate the complaint, and if he is satisfied as to the truth of the complaint, he shall take into custody the offending dog and deliver the same to the custodial organization under contract with the county to receive stray dogs. (12-30-69; amended for recodification, 1987)

Sec. 4-23. Reserved.

DIVISION 3.

LICENSES

Sec. 4-24. Required.

(a) It shall be unlawful for any person to own a dog four (4) months old or older in this county unless such dog is licensed, as required by the provisions of this division.

(b) No license tax shall be levied on any dog that is trained and serves as a guide dog for a blind person, that is trained and serves as a hearing dog for a deaf or hearing impaired person or that is trained and serves as a service dog for a mobility-impaired person, as defined in section 3.1-796.87, Code of Va., as amended.

(P.C. Ord. No. 12-90, 9-12-90; P.C. Ord. No. 96-18, 12-18-96; P.C. Ord. No. 98-8, 7-15-98; P.C. Ord. No. 00-10, 5-24-00)

Sec. 4-25. Procedure for obtaining licenses.

Subject to the provisions of section 4-26 herein, any resident of this county may obtain a dog license by making application to the county treasurer, accompanied by the amount of the license tax. Upon receipt of proper application, the treasurer shall issue a license receipt, on which he shall record the name and address of the owner or custodian, the date of payment, the year or years for which issued, the serial number of the tag, whether male, unsexed, female or kennel, and deliver the license tags to the applicant.

(Amended for recodification, 1987; P.C. Ord. No. 00-10, 5-24-00)

Sec. 4-26. Evidence of rabies vaccination prerequisite to issuance of license.

No dog license shall be issued by the treasurer or his agent for any dog unless there is presented to the treasurer or his agent, at the time of application for such license is made, evidence satisfactory to him or his agent that such dog has been inoculated or vaccinated against rabies within the past thirty-six (36) months with a rabies vaccine approved by the state department of health.

(P.C. Ord. No. 00-10, 5-24-00)

Sec. 4-27. License tax--Amount.

(a) The dog license tax for one (1) calendar year shall be as follows:

(1) For a male dog, four dollars (\$4.00).

(2) For a female dog, four dollars (\$4.00).

(3) For an unsexed dog, two dollars (\$2.00).

(4) For a kennel with up to twenty (20) dogs, twenty-five dollars (\$25.00).

(5) For a kennel with more than 20 dogs, twenty-five dollars (\$25.00) for the first twenty (20) dogs plus twenty-five dollars (\$25.00) for each twenty additional dogs.

(b) Furthermore, if a county resident determines to purchase a license for a male, female or unsexed dog pursuant to section 4-28(4) of this Code the tax for such license shall be calculated as follows:

(1) For a license purchased for a two calendar year period the tax shall be seven dollars (\$7.00) for a male or female dog and three dollars fifty cents (\$3.50) for an unsexed dog.

(2) For a license purchased for a three calendar year period the tax shall be ten dollars (\$10.00) for a male or female dog and five dollars (\$5.00) for an unsexed dog.

(c) License fees are not transferable to other animals and are not refundable.

(6-20-64; P.C. Ord. No. 81-8, 1, 9-28-81; P.C. Ord. No. 00-10, 5-24-00)

Sec. 4-28. Same--When payable.

The license tax on dogs imposed by this division shall be due and payable as follows:

(1) On or before January first but not later than January thirty-first of each year, the owner of any dog four (4) months old or older shall pay a license tax as prescribed by this division.

(2) If a dog shall become four (4) months of age or if a dog over four (4) months of age unlicensed by this county shall come into the possession of any person in this county between January first and October thirty-first of any year, a license tax for the current calendar year shall be paid forthwith by the owner.

(3) If a dog becomes four (4) months of age or if a dog over four (4) months of age unlicensed by the county shall come into the possession of any person in the county between November first and December thirty-first of any year the license tax for the succeeding calendar year shall be paid forthwith by the owner and such license shall protect the dog from the date of payment of the license tax.

(4) Notwithstanding subsections (1), (2), and (3) above, any resident may, upon presenting evidence of rabies vaccination as required in section 4-26 of this Code, purchase a license for up to a three-year period ending on December 31 following the expiration of the rabies inoculation as certified by a veterinarian. This section shall not be construed to permit the purchase of kennel licenses for more than a one-year period.

(6-20-64; P.C. Ord. No. 00-10, 5-24-00)

Sec. 4-29. Same--Payment subsequent to summons.

Payment of the license tax subsequent to a summons to appear before the judge of the district court or other court for failure to do so within the time required shall not operate to relieve such owner from any penalty for the violation of this division.

(P.C. Ord. No. 00-10, 5-24-00)

Sec. 4-30. Term.

Dog licenses shall be valid for the calendar year, from January 1 to December 31, unless the county resident determines to purchase the license to coincide with the period that the rabies inoculation is effective as provided in section 4-28(4) in which case the license shall expire on December 31 following the expiration date of the inoculation.

(P.C. Ord. No. 00-10, 5-24-00)

Sec. 4-31. To consist of receipt and tag.

A dog license shall consist of a license receipt and tag.

Sec. 4-32. Display of receipt.

Dog license receipt shall be carefully preserved by the licensees and exhibited promptly on request for inspection by any animal control officer or other officer.

(Amended for recodification, 1987)

Sec. 4-33. Contents of license tag.

A dog license tag shall be stamped or otherwise permanently marked to show the calendar year for which the license tag expires, and shall bear a serial number.

(P.C. Ord. No. 00-10, 5-24-00)

Sec. 4-34. Effect of dog not wearing collar and tag as evidence.

Any dog not wearing a collar bearing a license tag of the proper calendar year shall prima facie be deemed to be unlicensed, and in any proceeding under this division, the burden of proof of the fact that the dog has been licensed or was otherwise not required to bear a tag at the time shall be on the owner of the dog.

Sec. 4-35. Duplicate tag.

If a dog license tag shall become lost, destroyed or stolen, the owner or custodian shall at once apply to the treasurer for a duplicate license tag, presenting the original license receipt. Upon affidavit of the owner or custodian before the treasurer that the original license tag has been lost, destroyed or stolen, he shall issue a duplicate license tag, which the owner or custodian shall immediately affix to the collar of the dog. The treasurer shall endorse the number of the duplicate and the date issued on the face of the original license receipt. The fee for a duplicate tag shall be one dollar (\$1.00).

(Amended for recodification, 1987)

Sec. 4-36. Tag for a kennel.

The license tag for a kennel shall show the number of dogs authorized to be kept under such license, and have attached thereto a metal identification plate for each of such dogs, numbered to correspond with the serial number of the license tag. A separate kennel tag shall be required for each twenty-kennel dog. The owner of a

kennel shall securely fasten the license tag(s) to the kennel enclosure in full view and keep one (1) of the identification plates provided therewith attached to the collar of each dog authorized to be kept enclosed in the kennel. Any identification plates in use must be kept by the owner or custodian and promptly shown to any dog warden or any other officer upon request. A kennel dog shall not be permitted to stray beyond the limits of the enclosure, but this shall not prohibit removing dogs therefrom temporarily while under the control of the owner or custodian for the purpose of exercising, hunting, breeding, trial or show. A kennel shall not be operated in such manner as to defraud the county of the license tax applying to dogs which cannot be legally covered thereunder or to in any manner violate other provisions of this division.

(P.C. Ord. No. 00-10, 5-24-00)

Sec. 4-37. False statements.

It shall be unlawful for any person to make a false statement in order to secure a dog license to which he is not entitled. Any person who shall make a false statement in order to secure a dog license to which he is not entitled shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00). (Amended for recodification, 1987)

Sec. 4-38. Penalty for failure to obtain license.

Any person convicted of failure to pay the dog license tax composed by this division prior to February first of any year or as otherwise provided in this division on any dog owned by him shall be fine not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00), and shall be required to obtain the proper license forthwith. Unless such fine and license tax is immediately paid, the district court shall order such dog killed by the animal control officer or some other officer, but the killing of such dog shall not relieve its owner of the payment of the fine and license tax already due.

(6-20-64; P.C. Ord. No. 81-8, § 2, 9-28-81; amended for recodification, 1987)

ARTICLE III.

RABIES CONTROL

Sec. 4-39. Vaccination of dogs required.

(a) No dog four (4) months of age or older shall be permitted within the county unless such dog shall have been vaccinated or immunized against rabies within a period of thirty-six (36) months by a vaccine approved by the state department of health.

(b) It shall be unlawful for any person to own, keep or harbor any dog over four (4) months old within the county unless such dog shall have been vaccinated or inoculated against rabies within a period of thirty-six (36) months with a rabies vaccine approved by the state department of health.

(P.C. Ord. No. 12-90, 9-12-90)

Sec. 4-40. Confinement of animals suspected of having rabies or of being in close proximity to animals having rabies.

The health officer for the county is empowered to order the owner or person responsible for any animal

suspected of having rabies or of having been in close proximity to a rabid animal to confine such animal under competent observation at the expense of the owner for a period reasonably necessary to determine whether the animal is actually infected with rabies; provided, that if the owner of such animal cannot be ascertained, such animal shall be confined by the health officer for ten (10) days and shall then be destroyed in a humane manner if unclaimed; and provided further, that if the owner of such animal is ascertained and such owner refuses to confine such animal, the health officer shall confine such animal, and such animal shall be returned to its owner after ten (10) days upon payment of any fines assessed for violations of this chapter. Should such owner fail to claim such animal after ten (10) days, the animal shall be destroyed in a humane manner.

Sec. 4-41. Confinement of animals which have bitten persons.

At the discretion of the health officer for the county, any animal which has bitten a person shall be confined at the expense of the owner under competent observation for ten (10) days, unless the animal develops active symptoms of rabies; provided, that if the owner of such animal cannot be ascertained, such animal shall be confined by the health officer for ten (10) days and shall then be destroyed in a humane manner if unclaimed; and provided further, that if the owner of such animal is ascertained and such owner refuses to confine such animal, the health officer shall confine such animal, and such animal shall be returned to its owner after ten (10) days upon payment of any fines assessed for violations of this chapter and charges for the keep of such animal. Should such owner fail to claim such animal after ten (10) days, the animal shall be destroyed in a humane manner or delivered to the S.P.C.A.

Sec. 4-42. Applicability of article.

It shall be unlawful for any person to own a dog six (6) months older or over in this county unless such dog is licensed, as required by the provisions of this division.
(P.C. Ord. No. 12-90, 9-12-90; P.C. Ord. No. 96-18, 12-18-96)